

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 7:08-CR-139-4-FL

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
SAUL ROJAS-CAVILLO,	)	
a/k/a Saul Cavillo-Rojas,	)	
a/k/aSaul Rojas, a/k/a Toche,	)	
	)	
Defendant.	)	

This matter is before the court on defendant Rojas-Cavillo's motion requesting the identity and contact information of appellate counsel and asking the court to order appellate counsel to show cause on his alleged failure to communicate with defendant [D.E. 322]. For the reasons discussed, defendant's motion is denied without prejudice for lack of jurisdiction.

On January 4, 2010, the court entered judgment against Rojas-Cavillo ("Rojas") following a guilty plea and conviction after a jury trial on drug, firearm, and immigration-related offenses. The court sentenced defendant for a total term of 248 months [D.E. 288].<sup>1</sup> See United States v. Saul Rojas-Cavillo, No. 7:08-CR-139-4-FL (E.D.N.C. Jan. 4, 2010) (unpublished). On January 5, 2010, Rojas, through counsel, filed a notice of appeal to the United States Court of Appeals for the Fourth Circuit [D.E. 274]. On January 6, 2010, the notice of appeal was transmitted [D.E. 276], and on January 8, 2010, the Fourth Circuit assigned a case number to Rojas' appeal [D.E. 298].

"The filing of a notice of appeal is an event of jurisdictional significance - it confers


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<sup>1</sup>For brevity purposes, the court's judgment is not repeated in this order.

jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam). Rojas’ motion relates solely to issues related to his appeal. Compare United States v. Jones, 367 Fed. Appx. 482, 484 (4th Cir. 2010) (per curiam) (unpublished) (finding that the filing of a notice of appeal did not divest the district court of jurisdiction over an unappealable order); United State v. McNair, 340 Fed. Appx. 879, 881 (4th Cir. 2009) (per curiam) (unpublished) (finding that the notice of appeal did not divest the district court of jurisdiction over an order of conditional release). Because Rojas’ request for contact information for his counsel on appeal and an order to show cause involve appellate matters, this court is divested of its jurisdiction. Accordingly, the court denies without prejudice Rojas’ pending motion.<sup>2</sup>

In summary, the court DENIES without prejudice defendant’s motion requesting the identity and contact information of appellate counsel and asking the court to order appellate counsel to show cause on his alleged failure to communicate with defendant for lack of jurisdiction [D.E. 322].

SO ORDERED, this the <sup>3<sup>rd</sup></sup> day of December 2010.

  
LOUISE W. FLANAGAN  
Chief United States District Judge

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<sup>2</sup>According to the docket, on January 19, 2010, the Fourth Circuit appointed Paul K. Sun, Jr. to represent Rojas on appeal [D.E.309].